

cc

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

) Magistrate Case No. *08 MJ 0275*

Plaintiff,

) COMPLAINT FOR VIOLATION OF:

v.

) Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)

Def 1) Jose BARAJAS-Gonzalez,

) Transportation of Illegal

Def 2) Wilfrido URETA-Moreno

) Aliens

Defendant(s)

)

*FILED
08 JAN 30 2008
SOUTHERN DISTRICT OF CALIFORNIA*

The undersigned complainant, being duly sworn, states:

On or about **January 28, 2008** within the Southern District of California, defendants **Jose BARAJAS-Gonzalez** and **Wilfrido URETA-Moreno**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Cristobal RAMIREZ-Montes**, **Brenda Yadira RODRIGUEZ-Ramirez**, **Alberto GONZALEZ-Leon** and **Miguel GONZALEZ-Munoz** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


 SIGNATURE OF COMPLAINANT
 James Trombley
 Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 30TH DAY OF JANUARY, 2008.


 Barbara L. Major
 UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:

Jose BARAJAS-Gonzalez
Wilfrido URETA-Moreno

PROBABLE CAUSE STATEMENT

The complainant states that **Cristobal RAMIREZ-Montes**, **Brenda Yadira RODRIGUEZ-Ramirez**, **Alberto GONZALEZ-Leon** and **Miguel GONZALEZ-Munoz** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On January 29, 2008, Border Patrol Agent J. Remenar was performing assigned anti-smuggling duties, in an unmarked agency vehicle in plainclothes near Pine Valley, California. Pine Valley is located approximately seven miles east and 12 miles north of the Tecate, California Port of Entry.

At approximately 5:30 a.m., Agent Remenar observed a purple Dodge Neon driving eastbound on Interstate 8 (I-8) near the Kitchen Creek Road Exit. The Dodge appeared to have a modified rear suspension, as the rear end of the vehicle was noticeably raised. Agent Remenar decided to continue following the Dodge, and relayed his observations to other members of the plainclothes unit. The Dodge exited I-8 behind Agent Remenar followed by Agent Cuevas. At the same time, Agents Remenar and Cuevas observed an older model Ford F-150 in front of them. After exiting I-8 both vehicles turned eastbound on Old Highway 80, and then turned southbound on Church Road.

The Ford and Dodge continued southbound on Church Road for approximately two miles, at which time Agent Cuevas observed both vehicles pull into a dirt driveway and turn off their headlights. Agent Cuevas recognized this as a common practice for alien smugglers as they attempt to load undocumented aliens. Approximately 5 minutes after turning into the dirt driveway, Agent Cuevas observed both vehicles turn their headlights on and turn northbound on Church Road towards I-8. Agent Cuevas began to follow both vehicles again and noticed that the Dodge, once noticeably raised in the rear end, now appeared level. Both the Ford and Dodge continued northbound on Church Road, turned westbound on Old Highway 80, and entered the westbound lanes of I-8. Agent A. Magana positioned himself behind the Dodge in order to attempt a vehicle stop. Agent Magana was operating a marked DHS patrol vehicle with fully functional emergency equipment and was in full Border Patrol uniform. Agent Magana activated his emergency lights and siren to perform a vehicle stop, to which the Dodge failed to yield for approximately 1 mile. The Dodge made several erratic lane changes after Agent Magana initiated his emergency equipment before pulling onto the shoulder of I-8.

After coming to a stop, Agent Cuevas approached the Dodge and identified himself as a United States Border Patrol Agent to the driver of the vehicle, later identified as the defendant Jose BARAJAS-Gonzalez. Agent Cuevas was able to observe one subject in the front seat, and the other four located in the back seat. The defendant and the five additional individuals in the vehicle admitted to being citizens and nationals of Mexico without any immigration documents that would allow them to legally enter or remain in the United States. At approximately 6:00 a.m., Agent Cuevas placed all six subjects under arrest and transported them to the Boulevard, California Border Patrol Station.

CONTINUATION OF COMPLAINT:

**Jose BARAJAS-Gonzalez
Wilfrido URETA-Moreno**

While the agents involved in the vehicle stop on the Dodge were questioning its occupants, the Ford continued westbound on I-8. Supervisory Border Patrol Agent J. Dinise, who was positioned on I-8 approximately 1 mile east of the Sunrise Highway Exit, soon observed the Ford pass his location and began to follow the vehicle. The Ford came to an abrupt stop on the side of the road approximately one mile north of I-8. The occupants of the Ford, like the Dodge earlier, appeared as if they would attempt to flee on foot. Agents were able to surround the Ford and prevent the occupants from fleeing.

Agent Dinise approached the Ford and identified himself as a United States Border Patrol Agent to the only visible occupant, the defendant, later identified as **Wilfredo URETA-Moreno**. Agent Dinise was then able to observe three individuals attempting to conceal themselves underneath a blue tarp in the bed of the truck. The defendant and the three additional individuals admitted to being a citizen and nationals of Mexico. When asked to provide any immigration documents in their possession, all claimed to not be in possession of any valid immigration documents that would allow them to legally enter or remain in the United States. At this time, Agent Dinise placed all four subjects under arrest and transported them to the Boulevard, California Border Patrol Station.

DEFENDANT STATEMENT (Jose BARAJAS-Gonzalez):

The defendant was advised of his Miranda rights and stated that he understood and agreed to answer questions without an attorney present.

Jose BARAJAS-Gonzalez is a citizen and national of Mexico. When asked to recount the events that led to his arrest, BARAJAS stated that he is neighbors with an alien smuggler. The smuggler assured the defendant that he could successfully smuggle him into the United States and only do it for the amount of \$500.00, as long as the defendant was willing to drive one of the vehicles transporting smuggled aliens. Shortly after the defendant crossed the U.S./Mexico border he observed two vehicles, a truck and a small sedan, pulling into a home's driveway. The defendant got into the driver side of the truck and proceeded to make his way towards the freeway. Once the defendant merged onto the Interstate 8 westbound lanes, he began to accelerate to speeds well above the posted speed limit because he believed he was being followed. The defendant admitted that at one point before being stopped by Border Patrol, he took a look back into the bed of the truck and saw what he believed to be people under a tarp.

The defendant freely admitted that he was aware that illegal alien smuggling and furthering their illegal entry into the country by transporting them were punishable crimes under United States law.

CONTINUATION OF COMPLAINT:**Jose BARAJAS-Gonzalez****Wilfrido URETA-Moreno***(gr)***DEFENDANT STATEMENT (Wilfrido URETA-Moreno):**

The defendant was advised of his Miranda rights and stated that he understood his rights and agreed to answer questions without an attorney present.

The defendant admitted to being a citizen and national of Mexico without any immigration documentation to enter or remain in the United States illegally. When asked to recount the events that led to his arrest, the defendant stated that a relative worked as an illegal alien load driver. The relative told the defendant that if he really was interested in making quick and easy money, he could contact some of his old associates and arrange for him to get work. The defendant agreed.

The defendant stated that he crossed the U.S./Mexico border on Sunday, January 27th. The defendant was picked up by an unidentified pick up that took him to a hotel. The very next morning, the defendant entered a car that was left for him in the hotel's parking lot and followed a truck as he was instructed to do so. After driving for approximately one hour, the defendant exited the freeway and arrived at the load spot, located on a dirt road. Both vehicles turned off their lights and waited until people started running into the defendant's Dodge Neon and the pick up truck he was following. Soon after loading all the people into the vehicles, they both began making their way back into San Diego the same way they came. When asked why he did not yield to the agents attempting to conduct a vehicle stop, the defendant replied he was extremely nervous and did not know what to do. The defendant admitted to being aware of the marked Border Patrol unit behind him with its emergency lights and siren on, but once again stated he was scared.

MATERIAL WITNESSES STATEMENTS:

Material witnesses **Cristobal RAMIREZ-Montes, Brenda Yadira RODRIGUEZ-Ramirez, Alberto GONZALEZ-Leon and Miguel GONZALEZ-Munoz** agree in summary that they are citizens and nationals of Mexico illegally present in the United States. They admit to entering the United States illegally. The material witnesses stated that they were to pay \$1,500.00 to \$2,000.00 (US) to be smuggled to various parts the United States. Material witness GONZALEZ was shown a photographic line up and was able to identify defendant #2 Wilfrido URETA-Moreno as the driver of the Dodge Neon.